

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS FERRELL,	:	CIVIL ACTION NO. 1:06-CV-1757
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA, ET AL.,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 27th day of September, 2006, upon preliminary review of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1)¹, see R.

GOVERNING § 2254 Cases R. 4, in which it appears that the petition may be barred by the statute of limitations, see United States v. Bendolph, 409 F.3d 155, 169 (3d Cir.2005) (*en banc*) (holding that district courts may *sua sponte* raise AEDPA's one-year statute of limitations, provided that the petitioner is provided with notice and an opportunity to respond), it is hereby ORDERED that:

1. The Clerk of Court is directed to serve copies of the petition (Doc. 1) and this order by certified mail on respondent, the District Attorney of Lackawanna County, and the Attorney General of Pennsylvania. See R. GOVERNING § 2254 CASES R. 4.

¹In accordance with United States v. Miller, 197 F.3d 644 (3d Cir. 1999) and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000), Petitioner was advised that he can (1) have the petition ruled on as filed, that is, as a § 2254 petition for writ of habeas corpus and heard as such, but lose his ability to file a second or successive petitions, absent certification by the court of appeals, or (2) withdraw his petition and file one all-inclusive § 2254 petition within the one-year statutory period prescribed by the Antiterrorism Effective Death Penalty Act. (Doc. 3). Petitioner has chosen to have his petition ruled on as filed. (Doc. 4).

2. The Clerk of Court is further directed to note the address of the District Attorney of Lackawanna County on the docket sheet.
3. Respondent shall file a response concerning the timeliness of the petition on or before October 27, 2006.
4. Petitioner is afforded until November 13, 2006, to file a reply.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge